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Dear Rob and Jean:

The Environmental Defense Center (EDC) appreciates the opportunity to provide input into the development of the Lower Santa Ynez River Fish Management Plan. We have reviewed the draft Plan, and submit the following comments for your consideration, response, and incorporation into the final version of the Plan as appropriate. The comments are intended to improve the Plan and facilitate successful restoration of steelhead in the river.

#### Executive Summary

In the third paragraph, the Plan tries to express the broad public and agency involvement and consensus in the Consensus Committee process, the MOU, and development of the Plan. It should be noted in the Plan, however, that while there has been broad involvement, that there has been substantial disagreement over basic key issues such as what "providing a reasonable balance" means or if that is appropriate, whether or not the upper basin should be analyzed for its potential to help protect and recover the steelhead population, whether the goal should be to study and maintain the species or to restore it, and whether or not 2,000 acre feet per year (AFY) is adequate to accomplish either goal.

Therefore, we would suggest some minor edits to the third paragraph on page EX-1. Specifically, the text should state which entities are signatories to the MOU, and which entities (including the EDC and other environmental groups) selected not to sign the MOU but have been involved by "closely monitoring the process."

In the second paragraph under Steelhead and Their Habitat on page EX-2, we suggest the following changes (proposed additions are underlined):

"Other than the area fed by the Lompoc Wastewater Treatment Plant, there is often little or no flow in segments of the mainstem below Cachuma Reservoir and in the lower reaches of the tributaries below Bradbury Dam from August until the onset of the rainy season."



Please note that most of the river above Cachuma Reservoir is perennial, and long reaches of the tributaries above Cachuma are also perennial. It may also be important to state that, while at times there is no flow, there are segments of the river and tributaries that sustain isolated pools without flows connecting them.

"Even before construction of the dams in the basin, portions of the mainstem below the dam typically dried during the summer. As a consequence, steelhead historically used the lower mainstem as a migration corridor to reach spawning habitat in the mid and upper basin, and in portions of tributaries that maintained perennial flow."

In the next paragraph at the top of page EX-3, the first sentence should be augmented by the phrase "in more northerly streams." The thermal criteria referenced were largely developed through studies of more northerly steelhead populations.

The end of this paragraph should have the following clause added: "yet steelhead/rainbow trout have survived under these conditions." Otherwise this portion of the Plan makes it sound like the fish cannot survive in these locations when in fact they have.

The following paragraph discusses the purpose of the Plan. It "responds to concerns about providing a balance ..." It would be more accurate to state that the Plan "responds to concerns about the failure to maintain habitat conditions to keep steelhead in good condition, and to prevent the extirpation of the Santa Ynez River steelhead run." These were the concerns raised by CalSPA in its various challenges of the water rights permits held by the Bureau and south coast water agencies, and it is these challenges that the plan is ultimately being developed to respond to. We recommend that the same sentence continue to state: "as well as evaluates and recommends flow and non-flow related actions that reduce the Cachuma Project's impacts to fish and fish habitat."

Instead of "provide a high benefit," page EX-3 of the Plan should state in the same paragraph "offset impacts of the Cachuma Project."

We fail to see why the Plan needs to state that the management actions "are consistent with water supply availability" when it says that all management actions are "nonflow-related." The plan does include flow related options.

One option that must be included but is not is water conservation. Water conservation increases the amount of water available for fish restoration, and thus makes more options "consistent with water supply availability." Why does the Plan not include water conservation as an option for fish habitat improvement, and can it be added?

In the Executive Summary on page EX-5, the section entitled Create New Habitat would be more appropriately titled Restore Habitat. In this section, reference is made to the provision of

2,000 AF in years when the reservoir holds more than 100,000 AF, and less than 2,000 AF when there is less than 100,000 AF of storage. The County and Entrix should be aware that, in terms of environmental review under CEQA for this project, the baseline condition is the condition at the time environmental review is initiated. (CEQA Guidelines Section 15125) In this case, an EIR is being initiated currently, and therefore the current baseline conditions are those existing now. The current conditions include 2,000 AFY of water pursuant to the MOU. Thus, the provision of 2,000 AFY, in terms of CEQA, is not a beneficial impact for steelhead. Similarly, the provision of less than 2,000 AFY would be a detrimental impact under CEQA pursuant to the recently amended CEQA Guidelines addressing baseline conditions.

Surcharging of the reservoir means that there will be fewer spills to facilitate steelhead migration. How many less spills will occur as a result of surcharging the reservoir by .75 feet, by 1.8 feet and by 3 feet, and how will this affect steelhead? Also, the duration and magnitude of spills will be reduced. How will this affect steelhead? A detailed hydrological analysis of these issues is warranted before a decision is made to surcharge the reservoir by increasing the height of the flashboards or otherwise modifying the dam. Once a hydrological assessment is made, a biological impact analysis of the reduced flows on steelhead must be undertaken to understand if, in an effort to improve conditions for steelhead, adverse impacts may result. Raising the height of a dam and in the process reducing the frequency, duration and magnitude of the spill events (that have enabled steelhead to survive) in an effort to benefit steelhead may have the opposite effect.

A variation on this measure would allow for some spill to occur at elevation 750', but in a controlled manner that allows surcharging to occur concurrently with the spill event. This may be the best of both worlds - not preventing the spill from occurring and at the same time storing water for future fish releases. We suggest that this modified surcharge scenario also be analyzed in the environmental review document for any changes to the permit conditions pursuant to WR 94-5 (i.e. the upcoming EIR) as an alternative or as a mitigation measure to reduce the impacts of reduced spill events on steelhead.

On page EX-6, under Improve Existing Habitat, the Plan should specify what structural improvements are contemplated to increase the amount and quality of steelhead habitat. Just below this, the Executive Summary addresses improving access to habitat. Number 3b discusses the cascade on Hilton Creek, but the Plan does not discuss modifying the Highway 154 bridge on Hilton Creek. This structure also may partially or completely block steelhead migration to several miles of suitable steelhead spawning and rearing habitat, and should be addressed in the Plan.

The next page, EX-7, discusses increasing public awareness. One way to do this is to increase enforcement. By increasing enforcement against poachers and landowners and agencies that violate relevant environmental laws, funding can be brought in to do more public outreach and restoration. Enforcement actions typically require violators to improve habitat as a means of offsetting impacts, so increased enforcement can facilitate restoration actions on private and

other lands. Additionally, by publicizing every citation issued and fine levied, fewer people may be willing to risk the repercussions of illegally fishing for steelhead in the watershed and modifying streams without permits.

Under Implementation on Page EX-7, the Plan states that a Fish Reserve Account can be established immediately, however, this has already been done. As noted above, the baseline conditions for the purposes of CEQA are those that exist now, and this includes the 2,000 AFY.

On the last page of the Executive Summary, "the remaining management actions" that will be completed are listed in the last three bullets on the page. Unfortunately, by including the wording "and / or," the text currently states that not all of these actions may be taken. The word "or" should be deleted from the text in the final version of the Plan.

The final paragraph in this section, immediately above Funding, describes conservation easements along El Jaro Creek, and states that the easements will protect 6 to 8 miles of the creek. Please explain how the conservation easements would protect these creeks which are already protected by a host of local, state and federal regulations and policies. For instance, El Jaro Creek and its surrounding riparian buffer area is already protected by mandatory General Plan provisions. Fish and Game Codes prevent the modification of the stream without a Streambed Alteration Agreement and careful review by the DFG. The federal Clean Water Act prohibits discharges into the stream, including the discharge of fill or dredge materials, and the Endangered Species Act precludes activities anywhere near the stream that would threaten to impact steelhead trout. Thus, it is hard to imagine what additional protection for the streams and steelhead conservation easements could provide.

It is true that existing agricultural operations including row cropping and grazing are adversely affecting the streams. This could be reduced if large setbacks were established along the creek's buffer areas. The conservation easements thus, to be effective, must extend well away from the riparian areas and top of banks, perhaps on the order of at least 200 feet, to be effective, and must prohibit the harmful activities stated above. Otherwise, the creeks are fairly well protected now and placing them in conservation easements may not add to the existing protection.

### **Introduction**

On page 1-1, the Plan states that it was developed in a consensus-based process by local, state and federal agencies, environmental groups, landowners and other interested parties. This is not, however, the actual case. For one, our group, while we are very supportive of steelhead restoration, does not support the entire Plan as currently written, and we believe that is true for other groups and likely for some landowners as well. This self described consensus-based process is an attempt to make it appear that all involved believe this Plan is the solution to save steelhead, but that is not the case. The process was and is an attempt at consensus building, but cannot be accurately described as a consensus process because involved interests disagree

over the measures and their potential for success. The text should be changed in all appropriate locations to reflect the attempt at consensus, rather than to incorrectly describe the process as a true consensus.

Page 1-3 lists the "organizations and agencies" that, while not MOU signatories, are participants in the SYRTAC. The Plan should specifically state that these groups and agencies selected not to sign the MOU.

In Section 1.2, the goal stated should be expanded to include "reduce the impacts of the Cachuma Project" in addition to benefiting fish and other species. Just below these objectives, the section on constraints and limitation should be augmented. "The opportunities for implementing management actions are constrained by several factors," according to the Plan. In addition to those listed, the more obvious constraints include: 1) the existence of water projects and water diversions in the river; 2) the lack of effective water conservation programs; and 3) the fact that the dam is a major migratory barrier. Implementing management actions would be far less constrained if it were not for these three factors. Therefore, they should be listed in addition to the five included.

In the first paragraph on page 1-4 of the Plan, it is stated that, "Actions on private lands will be implemented only through voluntary participation by private landowners." There are permitting and enforcement cases, however, when regulatory agencies can require certain restoration actions to be implemented on private lands, so the foregoing statement is not entirely accurate. The Plan should also mention the ability of regulatory agencies to take advantage of restoration opportunities through their permitting processes (i.e. permit conditions) and through the enforcement of violations of local policies and zoning ordinances, and state and federal laws, such as the Fish and Game Codes, the ESA and the Clean Water Act. These situations may be the most useful opportunities to get real restoration actions on private lands to benefit steelhead, but the Plan fails to recognize this. The second bullet under Adaptive Management Strategy gets at this issue, but the Plan would be clearer to explicitly express when agencies can and should be involved in restoration on private lands, where a majority of the habitat in the Lower Basin probably exists.

#### **Proposed Management Actions**

Some of the options in Appendix A which were not carried further for additional analysis merit closer attention. For instance, Option 2 was discarded because it had "uncertain benefits for fish habitat." For this reason, it should be analyzed in more detail, perhaps in the EIR, to see what those benefits may be. Options 6 and 25 were discounted because there is reportedly not water available for purchase. How much effort was put into attempting to purchase water? These options would have significant benefits for steelhead, and it may be that water is available if the price offered is great enough. Please provide more detail regarding why these options were not pursued further, and an explanation of why no water is available for purchase. Could it be that water would be available if the price per AF was higher?

Options 12 and 13 are not being proposed because of a reported lack of landowner interest. In terms of CEQA review, alternatives cannot be dropped merely because the project sponsor does not own the land (*Citizens for Goleta Valley v. Santa Barbara County*). Based on this, we feel it appropriate to analyze these options in more detail in the Plan or the environmental review document that is forthcoming. Lastly, Option 22 seems to warrant additional investigation. The EDC is aware of no institutional obstacles to this option, and the US Forest Service would likely be supportive of such an approach.

On page 3-1, the statement is made that "The majority of rainbow trout/steelhead habitat is located on private property." While this may be true in the lower section of the river's watershed, much of the steelhead/rainbow trout habitat in the entire watershed appears to be located on public properties.

The Plan, on Page 3-2, lists the objectives of the management actions. It would be appropriate to include in this list the following: "mitigate impacts of the Cachuma Project." Considering that the Santa Ynez River population of steelhead is endangered largely as a result of Bradbury Dam and the Cachuma Project, mitigating the impacts of the project and the dam in order to maintain and recover steelhead is one of the objectives of the Plan.

Under Types of Actions, on page 3-3 the Plan addresses fish passage in tributaries. The Plan should specify the modification of the barrier at Highway 154 and Hilton Creek just as it specifies the "small cascade" on Hilton Creek. If the Plan is to be specific regarding certain impediments, then it should be consistent and mention other known barriers.

Page 3-4 describes some of the numerous constraints that work against implementation of the management actions. One such constraint that we feel should be specifically called out is the presence of Bradbury Dam. The dam is a limitation on the types of management actions that can be pursued. For instance, if the Cachuma Project were a surface diversion with no impoundment, then management actions dealing with the upper basin would be more feasible. Thus, the presence of the dam should be referred to as a major constraint on the types of actions that the Plan deems as feasible.

Page 3-5 makes an interesting distinction between those actions that can be implemented by Reclamation or the water agencies without cooperation from landowners and/or other agencies. While we recognize that, in some cases, it may be easier to implement actions that are solely under the discretion of the Bureau and/or water agencies, that is no reason to make a blanket statement that those actions are higher priority than actions requiring coordination with other agencies. A case in point is the set of actions that deal with upstream sections of the watershed. The US Forest Service is a very willing and cooperating agency. Yet since actions that involve the Forest Service are defined as lower priority because they require cooperation with other agencies, they may not be pursued.

The distinction between actions that can be done by the Bureau or water agencies and those that require additional coordination is an artificial distinction that in some cases may work against the ultimate goal of the Plan. Each action should be considered on its merits and individual feasibility. A more appropriate classification system is as follows: Actions that require coordination with unwilling or uncooperative landowners or agencies are lower priorities because of the difficulty of getting everyone to agree. Actions that require coordination with cooperative agencies or landowners would become higher priorities. If actions that require coordination with others are feasible and effective, they should be placed as high priorities.

An example is the modification of the Highway 154 culvert at Hilton Creek, which requires coordination with CalTrans. It is an important restoration action that should not be a low priority merely because it requires coordination with CalTrans, especially when CalTrans would likely be supportive. Another example is the downstream transport of outmigrating juvenile from the upper basin. This option may help achieve the goals of the Plan because the relatively healthy population of the species from above the dam could be tapped to augment the small population below the dam, and possibly increase the anadromous population. It only requires coordination with the cooperative US Forest Service, and thus should not be classified as a low priority, but should be vigorously pursued if analysis (in the EIR or elsewhere) shows it has merit. While the working group for this option suggests a wait and see approach, EDC believes it would be fruitful to tag and transport native fish from above the dam to below, to see if they move to ocean and back and augment the anadromous portion of the population.

#### **Conjunctive Use of Water Rights Releases and Fish Reserve Account**

The term "improve" is used extensively throughout this section of the Plan, implying that this management option will result in better conditions for steelhead. However, the term improve is relative to the baseline condition against which change is measured. As stated previously, the baseline conditions for CEQA purposes are as they exist today. This includes the 2,000 AFY of the MOU. This management option envisions allocating less than 2,000 AFY during 29.3 % of the years. That means that this management option will degrade conditions for steelhead as compared to the CEQA baseline conditions almost one third of the time, representing an adverse impact compared to CEQA baseline conditions. This option also includes providing more than the existing 2,000 AFY for fish and the river about one third of the years. Therefore, on average, this option essentially maintains the status quo for steelhead and the river compared to baseline conditions. In some years there will be more water than is currently allocated and in some years there will be less available than is currently required by the MOU. The use of the word "improve," while perhaps accurate if comparing the proposed action to the pre-MOU historic conditions, is not applicable when speaking in terms of the CEQA baseline conditions. Similarly, the statement on page 3-12 that "this flow will substantially increase the amount and quality of habitat in this reach," is only correct if the pre-MOU baseline is used as the benchmark. Since these options will be analyzed in a CEQA document, we believe that the CEQA baseline must be used.

This option also includes the Reservoir Surcharging component, which as described above, has the potential to adversely affect steelhead by reducing the frequency, magnitude and duration of spill events. Additionally, by providing releases of water, this option will benefit non-native fish which compete with prey upon steelhead. Thus, an analysis of the relative impacts and the relative detriments to steelhead is necessary to ascertain what the net residual impact will be after the positive and negative effects are weighed.

Table 3-2b illustrates the release rate under different reservoir storage scenarios. Do these figures include the leakage from the dam, which is an important factor and part of the baseline conditions which have enabled steelhead to survive in this system despite construction of Bradbury Dam? Inclusion of the leakage in these figures would represent a decrease in the amount of water available for steelhead, since the existing 2,000 AFY allotment does not include the leakage, and leakage is part of the existing baseline. Please specify the relationship of the leakage to the proposed release schedule.

On page 3-9, the Plan states that Hilton Creek has "much better habitat for steelhead" than the mainstem does between the dam and Hilton Creek. While this section of the mainstem has non-native predators, it also has factors which make it potentially better habitat for steelhead than Hilton Creek. Specifically, it has a healthy riparian canopy, shading, plentiful food sources, gravel and pool habitats. Please explain in more detail why the first and second priorities were assigned as they were.

#### **Hilton Creek Habitat Enhancement**

The modification of the potential migratory barrier at Highway 101 involves coordination with CalTrans, but would open up substantial, quality habitat for steelhead on some private property and in the National Forest, where the stream is perennial. This action may be one of the most productive actions that we can take to restore steelhead below Bradbury Dam. It is imperative that this action be specified in the Plan. Modification of the CalTrans structure, if appropriate from a biological standpoint and technically feasible, should not be considered low priority, and is an essential component of steelhead restoration in the river drainage. Table 3-3 mentions this barrier, but the text, on page 3-32, fails to mention correction of it. This is a glaring omission that should be corrected in the final Plan.

The extension of Hilton Creek may create more habitat for steelhead, but at the same time, it may reduce the flow of water into the River in the section between the existing confluence and the proposed confluence, and this could adversely affect steelhead habitat in that section of the river. A full analysis of the adverse impacts, as well as the beneficial impacts should be undertaken, perhaps in the context of the EIR, to determine its relative benefits for steelhead. In any case, if it is pursued as a viable, beneficial option, then there needs to be some sort of mechanism, such as a steelhead-friendly cascade, to prevent movement of bass and catfish into Hilton Creek.



### **Removal of Predatory Fish**

This restoration action is only considered as part of the fish rescue action, however it is a stand alone option that should be called out as an independent action and be recommended as part of the Plan. This action would have benefits that would be realized with or without fish rescue operations. In 1992, hundreds if not thousands of young of the year (YOY) steelhead were observed in the mainstem below the stilling basin and below the long pool, in an area infested with bass and catfish. This information was ultimately reported to the SYRTAC. Loss of steelhead YOY by predatory relationships with non-native fish is recognized as a problem for the existing steelhead population in the river according to the biological studies in the SYR Consensus Committee compilations reports. Therefore, whether or not fish rescue is implemented, the removal of predatory fish in select areas of the mainstem may have profound benefits for steelhead. This action needs to be put forth independent of fish rescue because it does not rely on fish rescue to be successful.

### **Fish Rescue Relocation Sites**

In terms of fish rescue, sites in tributaries below the dam should be considered and mentioned in the Plan. Currently the Plan states that "the most likely relocation site is the Long Pool and mainstem between Bradbury Dam and the Long Pool. These areas do have non-native predatory fish that would need eradication or removal. However, other tributaries, such as Quiota and Miguelito, where relocation has occurred in the past, and upper Hilton and San Lucas Creeks in the Los Padres National Forest contain good habitat on public lands where no predatory fish exist. Therefore, the Plan should be modified to refer to "tributaries below Bradbury Dam" as potential relocation sites.

### **Public Outreach and Education**

This category of actions to aid in the recovery of steelhead on the river should also include increased enforcement of existing laws and policies. It is not difficult to identify numerous unpermitted private projects such as streambed alterations, water diversions, and land use operations that do not comply with local zoning and Comprehensive Plan policies, Fish and Game Codes, and federal laws such as Section 404 of the Clean Water Act. Increased enforcement of these violations is imperative to the well being of southern steelhead in the watershed. While regulatory agencies may not be able to access private land unless there is reason to believe a violation is occurring, frequent aerial photographs can be taken of key areas to try to identify illegal actions that threaten steelhead and their habitat. Therefore, we believe that increased enforcement should be included in this section of the Plan, or as a stand alone action.

### **Actions in Cooperation with Other Agencies and Landowners**

As stated above, the distinction between actions that can be undertaken by the Bureau and / or water agencies and those that require coordination with other agencies or landowners, and the high priority placed on the first category of actions does not serve to promote the best options for steelhead restoration. Certain actions that may be very viable have automatically been placed as low priorities solely because they require additional coordination. Perhaps a better

distinction would be between those actions that require coordination with an unwilling agency or landowner, and those that require coordination with a willing landowner or agency. This is an important distinction. Such projects like modification of the Highway 154 barrier on Hilton Creek would likely be in the latter category, and should be high priority actions, while those with clearly unwilling landowners should be placed lower on the scale of feasibility, and pursued only in light of a permit condition placed on the landowner or agency, as part of an enforcement action in case there was a violation identified, or when and if the landowner/agency becomes willing.

#### **Conservation Easements**

To be effective at protecting and improving steelhead habitats in tributaries, conservation easements must include relatively wide swaths of land bordering tributary streams because the streams and riparian habitats are already protected. Stating that the water agencies or COMB has purchased or will purchase conservation easements along 6 or 8 miles of a steelhead stream sounds good, but the practical benefit for steelhead is minimal if there is little or no change in the level of protection afforded that area. The significant impacts to steelhead from erosion and sedimentation associated with agriculture must be dealt with in the areas surrounding creeks, not only within the creeks themselves. We suggest that the water agencies- and COMB-funded voluntary easements be as wide as possible and restrict grazing and cultivated agriculture where those activities are contributing sediment to steelhead streams, or those that may in the future support the species.

#### **Riparian Enhancement**

As noted above, all actions on private lands do not necessarily require landowner cooperation when they are imposed as permit conditions, or to mitigate the impacts of identified violations. Thus, actions such as riparian restoration, barrier removal, etc., should be imposed as permit conditions whenever landowners propose and gain approval for actions in or near creeks that could impact the creeks or steelhead.

#### **Tributary Passage Barrier Removal**

EDC staff has witnessed steelhead jump the concrete apron at the Highway 1 bridge over Salsipuedes Creek under moderately high flow conditions (estimated at several hundred cfs). "Correction" of this "barrier" should not be viewed at an important restoration action because it is passable, although perhaps not during lower flow conditions when steelhead may or may not be moving upstream. Instead, known complete barriers blocking access to substantial habitats should be removed/modified. Efforts should focus on those likely to have the most benefit to steelhead. The Highway 154 culvert at Hilton Creek is not mentioned in the text, but is likely to be a severe limiting factor for steelhead once the cascade on Bureau property is modified for fish passage. This culvert should be mentioned other than just in Table 3-3. Merely because some of passage barrier projects may require coordination with agencies, and in some cases landowners; these actions should not be classified as lower priorities than those actions that the Bureau or water purveyors can take themselves. They should be high priority actions because they hold much potential benefit and because coordinating agencies, such as

Santa Barbara County Roads Division, as stated in the Plan, have already committed to working with the Bureau and SYRTAC.

#### **Genetic Protection of Southern Steelhead Stock**

The options of stocking Cachuma Reservoir with native fish and/or stocking it with sterile trout should be more closely examined in the EIR to determine the feasibility and benefits of such a program. Continuing the practice of planting non-native trout in the reservoir will continue to adversely affect the steelhead population through genetic dilution. Similarly, the downstream relocation of juvenile native landlocked steelhead to below the dam should be evaluated as an alternative or component thereof at a project level of detail in the EIR to assess the relative benefits and impact reduction potential.

#### **Evaluation of Potential Impacts and Benefits**

The last sentence on page 4-1 states that the "proposed conjunctive use operations will likely provide a substantial benefit to the rainbow trout/steelhead population relative to historic conditions." On page 4-12, however, it states that "the Fish Reserve Account and the downstream water right account have been used conjunctively since 1993." Conjunctive use, in fact, is not a proposed new action, but is part of the existing set of conditions that water and resource management actions have resulted in. For the purposes of CEQA review, which any changes to the permit will be subject to, the baseline is the existing condition, not the "historic conditions." Therefore, while there may be some benefit to steelhead relative to the pre-1993 conditions, compared to the existing conditions, conjunctive use is merely maintaining the status quo, and no beneficial impact can be claimed as a result of it.

Since the FRA exists, the only potential benefit to steelhead and the river associated with increased flows would come from additional, new surcharging, and as described herein, surcharging has the impact of reducing winter/spring flows necessary to cue and facilitate steelhead migration and spawning. The net biological impact of surcharging, whether adverse or beneficial, is still an open question that requires further analysis in the EIR. Surcharging will add to summer and fall flows at the expense of winter and spring flows. Creating a less flashy runoff regime may benefit non-native predators and competitors as much as or more than it helps steelhead.

Additionally, ramping up and down of flows has also been implemented for the past several years, and is part of the baseline. Since this practice was adopted prior to the NOP for the EIR for any changes to permit conditions, it is part of the CEQA baseline. Thus, while it is an important strategy to reduce stranding and fish mortalities, it cannot be claimed as a CEQA beneficial impact.

The Plan, on page 4-2, states that there would be "increased riparian growth," and portrays this as beneficial. However, on page 4-14, the Plan clarifies that the outcome may be "a reduction of riparian vegetation to levels similar to pre-project implementation." Thus, this too is not a beneficial impact in terms of CEQA, and the causation of new or increased flood

control projects and their associated environmental impacts is an adverse impact of the Plan's implementation that needs to be considered in the draft EIR that this Plan's recommended actions will soon be subject to.

With regards to passage facilities, on page 4-3 the Plan lists Hilton Creek enhancements. It leaves out retrofitting of the CalTrans culvert under Highway 154. This glaring omission substantially weakens the Plan and threatens to prevent the Plan from accomplishing its objective of enhancing fish resources in the Lower Santa Ynez. The Plan plays up the benefits of opening up 2,800 feet of habitat (which requires supplemental watering) for steelhead below the highway. It fails to mention that above the highway, there is approximately three miles of medium to high quality southern steelhead habitat (over a mile of which is in the public and largely inaccessible Los Padres National Forest) that would be made available by the omitted facilitation of passage under the highway. This section of the creek requires no supplemental watering. There is approximately six to seven times the lineal habitat above 154 as there is below it, and the quality above the highway is far superior to that below. For this Plan to pass muster, it must address this important restoration action: modification of the CalTrans culvert beneath Highway 154.

On page 4-4, the Plan refers to predator removal, which is an important restoration action that should be undertaken regardless of what other options are pursued, and is one that can largely be done in Phase 1. However, this action is again only listed in the context of being done with fish rescues, as if it would have no benefit if fish rescues were not also done. Predator control is a stand alone option that needs to be pursued independently of fish rescues because there will be juvenile steelhead in the river regardless of whether they are relocated there or occur naturally. They will be subject to predation and competition, but this can be reduced by predator removal, a beneficial action that is not currently taking place in any organized fashion.

Page 4-5 discusses the Tributary Passage Barrier Modifications, but again fails to refer to the more important restoration actions that could occur in this category. Please modify the text to refer to the Highway 154 culvert at Hilton Creek. It may be appropriate to refer to the modification of this barrier as a Phase 2 action which should be pursued following the successful implementation of the modification of the chute and cascade which currently may limit steelhead movement up to the highway. Additionally, this paragraph should discuss the Alisal dam which blocks several miles of excellent steelhead habitat above the reservoir it forms. Perhaps unlike Bradbury Dam, this structure could be fitted with a fish ladder to accommodate steelhead passage. Steelhead have moved into this creek below the dam in recent years, and should be afforded the opportunity to navigate the structure to the middle and upper watershed.

On page 4-7, the Plan inaccurately states that providing access for steelhead above Bradbury Dam would reintroduce anadromous life history into "resident rainbow trout populations that have been isolated for over 70 years." It is our understanding that the native landlocked steelhead have been isolated for only 45 years.

The statement on page 4-8 that "juvenile production in the lower basin have been good during the current wet cycle," is a relative statement. "Good" compared to what? Compared to drought years post Bradbury construction, this statement may be true. The statement needs to be qualified in terms of the baseline for comparison. Production has been relatively good considering the fact that Bradbury Dam blocks migration and decreases flows.

Section 4.2 leaves out an important discussion of the impacts to other "sensitive species." Specifically, western pond turtles and two-striped garter snakes are State Species of Special Concern, and are impacted by the Plan's recommendations. Positive and detrimental impacts to these species should also be discussed. This section does describe how the existing water releases benefit bullfrogs, and states that this could adversely affect red-legged frogs. In addition, it should refer to the adverse impacts bullfrogs have on the aforementioned Species of Special Concern and steelhead. Bullfrogs eat all of these species, and benefits to bullfrogs equal detriments to native aquatic species. The overall impact of the releases may be detrimental to native species, and a detailed analysis of this issue is needed in the EIR.

On page 4-10, the Plan should include a discussion of the impacts of the surcharging on terrestrial vegetation, such as oak trees and chaparral.

The section beginning on page 4-12 and titled Effects on Water Supply raises the baseline issue again. The Plan states that the Fish Reserve Account takes water from the Project yield, however, this is part of the existing baseline, and will not be viewed as an adverse impact in the CEQA document.

It is unclear why the member Units would expect and accept more frequent shortages since the 2,000 AFY is part of the MOU and part of the existing conditions. If surcharging provides more water for fish, then this would not cut into the Project yield. The use of figures such as 4,200 AF represent the amount of water that the existing Fish Reserve Account (FRA) may, under a worst case scenario, reduce Project yield by, but this is part of the baseline condition since the renewed MOU established the FRA years ago. Thus, this is not a new reduction.

The Plan states that "during dry periods," the Project would expect "substantial shortages under baseline conditions." However, it appears as though the term "baseline" is being used to describe conditions before the MOU was signed, rather than the CEQA baseline which was the set of conditions present at the time the NOP for the EIR was issued (May 14, 1999). While the Plan is not a CEQA document, the section of the Plan on impacts and benefits will be utilized in the upcoming EIR, and should therefore distinguish between the CEQA baseline and historic conditions.

Section 4.4 delves into another CEQA impact category, that of Land Use. While it does not address all relevant land use issues, with regards to transportation, it should be noted that the provision of spanning bridges with no instream structures to replace summer crossings, may

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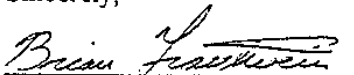
benefit transportation, and is a restoration action that, in certain cases, may have some value to steelhead.

Finally, in regards to the Plan Implementation, it is noteworthy that the Fish Reserve Account of 2,000 AFY is in existence, so referring to it as an action that can be implemented immediately is a bit misleading. In fact, it is currently being implemented. The proposed change would add to this amount in wet years and subtract from the existing FRA volume in years of less than 100,000 AF storage. Similarly, conjunctive use is already being done, so this is another action that can be implemented immediately only because it is being done now. The Hilton Creek supplemental watering is also being done, and is part of the baseline conditions for the purposes of CEQA review, as is the fish rescue operation, which was conducted recently. Continuing with these management actions will maintain current conditions for steelhead and should be encouraged in addition to new restoration actions.

As a last note, we suggest that the word "conservation" be replaced with enhancement or restoration on the last line of page 5-5. Conservation, while a noble goal, does not convey the goals of the Plan or of those entities involved in the process which has lead up to this point in time. If we were to only seek to conserve the existing resources, there would be little hope of preserving the Santa Ynez River run due to its rather limited population size and gene pool. Thus, the Plan must state the common intent of restoring or at least enhancing the steelhead resource of the Santa Ynez River.

Thank you for your attention to our comments.

Sincerely,



Brian Trautwein  
Environmental Analyst

cc: Jim McNamara, Bureau of Reclamation  
Jim Canaday, State Water Resources Control Board  
Department of Fish and Game  
National Marine Fisheries Service  
US Fish and Wildlife Service